

November 27, 2002

**In the matter of the
Grocery, Meat Market, and
Tobacco Dealer licenses for
Park Avenue Halal Market, Inc.
701 East Lake Street
Minneapolis, MN
Ward 8**

**Findings of Fact,
Conclusions**

This matter came before a Technical Advisory Committee hearing on Friday, November 22, 2002. Appearing for the licensee were Awale Mohamed and his attorney Jordan Kushner. Appearing for the Department were Deputy Director Clara Schmit-Gonzalez, License Inspector Julie Casey, Environmental Health Supervisor Tim Jenkins, and Environmental Health Specialist Kim Johnson. Based on the evidence presented at the hearing the department makes the following findings of fact.

FINDINGS OF FACT

1. Litter orders were sent to the Park Avenue Halal Market on May 14, 2002, July 22, 2002, August 8, 2002 and November 4, 2002. Two citations were issued for excessive litter on August 8, 2002 for \$100 and November 4, 2002 for \$200.
2. In July 2002, the MPLS Police responded to complaints about loitering next to the Park Halal Market. SAFE Officer John Mills and Inspector Julie Casey meet with the owner of Park Halal Market on August 1, 2002 to discuss security and loitering issues. During this meeting, Inspector Casey noticed that the surveillance camera was not working. Following the meeting, an order was issued to provide a working surveillance camera by August 16, 2002. At the follow up inspection on September 5, 2002, the camera was still not working. In response to the stores failure to follow through with repairing the camera system, Inspector Casey wrote the store a \$100 fine. The camera was finally installed the next week.
3. In May and June 2002, orders were written to enclose the dumpster with a fence. These orders remained outstanding on the day of the hearing.

4. In September 2002, Inspector Casey noticed that Park Avenue Halal Market had failed to renew their tobacco dealer's license. Inspector Casey went to the market and informed the owner that the license was not renewed. The grocery and meat market licenses had in fact been renewed. The application for the tobacco license was returned but the fee was not. In October 2002, Inspectors Casey and Hugen requested the removal of tobacco products and issued a \$250 fine due to the store's failure to renew their license. They renewed the license the same day.
5. While requesting the removal of the tobacco products, Inspector Hugen and Casey noted that food was stacked on the floor and a whole rack of spices did not have labels on them. Both of these problems are violations of the Minneapolis Food Safety Codes. Inspector Casey notified Environmental Health Specialist Kim Johnson of these problems. One week later, Specialist Johnson wrote orders that included over 19 critical and 15 non-critical violations. (One year earlier Environmental Health Specialist Tim Jenkins wrote orders that included over 6 critical and 11 non-critical violations) Specialist Johnson gave Awale Mohamed the option of voluntarily closing or an emergency health closure would be enforced. Mr. Mohamed agreed to voluntarily closed. Over the next four days, the owners of Park Avenue Halal Market cleaned the grocery and they were reopened.
6. On November 21, 2002, Inspectors Casey, Johnson and Jenkins inspected the Park Avenue Halal Market. The exterior of the building was clean. The dumpster still was not in an enclosure. The interior and basement was very clean. The outstanding orders were, use of non approved food containers in the freezer, open light fixtures, the unlabeled food was still in the store, food equipment was sitting on the floor, detergent was still stored in a food preparation area and food was being thawed on the floor.
7. At the hearing, the result of the November 21, 2002 inspection was shared. All agreed that improvements had been made. Environmental Health Supervisor Tim Jenkins emphasized that he had worked with this store one year ago to bring into compliance and they had let it slip back into non-compliance. Mr. Mohamed is a college student and he is not in the store at all times. He is the only owner that has the food managers training. Mr. Mohamed also pointed out that the dumpster in some of the pictures is not their dumpster. Most of the pictures

show two dumpsters, One dumpster is their dumpster and the other belongs to the store next door. Mr. Mohamed will go to the Zoning Department to check on the requirements for installing a dumpster containment fence.

8. The issue concerning the tobacco license was discussed. Mr. Mohamed did pay for the meat market and grocery licenses in May 2002. The tobacco license fee was on a separate form and he did not pay for that license. He did, however, turn in the tobacco license with the grocery and meat market forms. Deputy Director Clara Schmit-Gonzalez decided to dismiss both the fine and the late fee on the tobacco dealer's license. She also dismissed the \$200 fine for the excessive litter on November 4, 2002.

CONCLUSIONS

1. Park Avenue Halal Market failed to maintain the store in compliance with Food Safety Codes.
2. Park Avenue Halal Market failed to maintain the exterior of the store in compliance with Minneapolis ordinance 259.125 in that they failed to clean litter on occasions observed by inspectors and to install a dumpster enclosure.
3. Park Avenue Halal Market failed to repair or install a surveillance camera in the time period specified in the order.

RECOMMENDATIONS

Due to the efforts of the storeowners to comply with recent owners and bring the store into compliance with all violations of the Minneapolis Code of Ordinances, the Department makes the following recommendations.

1. The Park Avenue Halal Market will be assessed an administrative fine in the amount of \$1200.00. \$600 of this fine will be stayed for a period of one year pending no more than three (3) critical or six (6) non critical violations of the Food Safety Codes at any one inspection.
2. The \$250 fine and \$125.00 late fee for failing to renew the tobacco dealer's license is credited to the \$600.00.

3. The November 4, 2002 \$200 fine for excessive litter is reduced to \$100.00.
4. The \$40 late penalties for failing to pay the litter fine from August 8, 2002 are credited.
5. Park Halal paid the \$100 litter fine twice. The \$100 will be credited toward the fines being assessed in this agreement.
6. Park Avenue Halal Market agrees to complete all outstanding Food Safety orders by Monday, December 2, 2002. Those orders are outlined in #6 of the findings of fact above.
7. Park Avenue Halal Market agrees to send another employee to the food manager's class on December 10, 2002 subject to the class availability and if it is not available must be completed by January 31, 2003.
8. Park Avenue Halal Market agrees to contact the Zoning Division, within sixty days, to determine where a dumpster enclosure should be placed.
9. Park Avenue Halal Market agrees to obtain the correct food containers by Monday, November 25, 2002.
10. Park Avenue Halal Market understands they must clean all public areas within 100 ft of their property on a daily basis.
11. Park Avenue Halal Market understands they must have a working and recording surveillance camera in their store at all times. They also understand they must keep their videotapes for a minimum of five (5) days.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part or the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Awale Mohamed, Park Avenue Halal

Date

Witness

Date